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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH GRAHAM,  
individually, on behalf of other  
similarly situated individuals, and on  
behalf of the general public.  
Plaintiff(s),

vs.

TENANTREPORTS.COM, LLC, a  
Pennsylvania corporation; and DOES 1-  
10 inclusive,  
Defendants.

CASE NO.:

**CLASS ACTION COMPLAINT  
FOR DAMAGES**

(1) – (3) Violations of the Fair  
Credit Reporting Act,  
15 USC § 1681 *et seq.*

**JURY TRIAL DEMANDED**

Plaintiff JOSEPH GRAHAM (hereafter “Plaintiff”) by and through his attorneys, on behalf of himself, the Classes set forth below, and in public interest, brings this Class Action Complaint against Defendants TENANTREPORTS.COM, LLC, a Pennsylvania corporation; and DOES 1-10 inclusive (hereinafter collectively as “Defendant” or “Defendants”), and alleges as follows:

## NATURE OF THE ACTION

1. On or about December 8, 2020, Defendant furnished a consumer report to Plaintiff's prospective landlord.

2. Long and Foster Property Management is a real estate brokerage company in Chantilly, Virginia.

3. Despite Plaintiff's almost 700 credit score, Plaintiff was denied rental housing. Plaintiff is informed, and believes, and thereon alleges that Plaintiff was denied in whole or in part based on the erroneous criminal history information disclosed on Plaintiff's consumer report.

4. The subject consumer report furnished by Defendant disclosed a 2006 criminal conviction that has been sealed and expunged since 2016.

5. Specifically, Defendant disclosed both dismissed and guilty charges associated with the expunged case.

6. These charges were dismissed in 2009 and the disclosure of which is in violation of the obsolesce requirement under the Fair Credit Reporting Act ("FCRA") 15 USC §1681c(a)(2) and (5).

7. Moreover, the entire case along with all of its charges were expunged in 2016.

8. Thus, the disclosure is inaccurate as it does not reflect the current public record stats of the case. *See* 15 USC §1681e(b) requiring consumer reports to have *maximum possible accuracy*.

9. Defendant states on its website that the results are available immediately. *See* Exhibit 1, "Use our online portal to process tenant screenings and receive immediate results."

10. Since the results are available "immediately," it is practically impossible to obtain criminal record information directly from the courts. Thus, Plaintiff is informed, and believes, and thereon alleges that Defendant routinely sells criminal records information it obtained or purchased from third-party criminal record repositories.

1           11. These repositories frequently contain inaccurate, and outdated  
2 criminal records. It is well-known within the industry that it is virtually  
3 impossible to ensure that all criminal records contained in these databases are  
4 accurate and up-to-date.

5           12. A frequent problem with selling criminal records from these  
6 databases is that expungements are not accurately reflected in these database  
7 records.

8           13. This is a widely-known problem for decades within the in  
9 industry and that Defendant knew or should have known about this problem.

10           14. Nevertheless, Defendant chose to sell database records that it  
11 knew or had reason to know to be inaccurate resulting in the error disclosed  
12 in Plaintiff's report.

13           15. Moreover, a basic requirement that all consumer reporting  
14 agencies such as Defendant is to respond to consumer file requests under 15  
15 USC §1681g(a).

16           16. On or about January 5, 2021, Plaintiff forwarded a full file  
17 request pursuant to 15 USC §1681g(a) to Defendant via United States Postal  
18 Service ("USPS") Certified Mail (#7019-2280-0001-1978-5299). Exhibit 2.

19           17. USPS's website confirmed that the mail was delivered on  
20 January 13, 2021. To date, Plaintiff has received no response to his request.

21           18. Pursuant to §§1681n and o of FCRA, a willful and/or reckless  
22 violation entitles the Plaintiff and the classes defined below ("Classes") to  
23 statutory penalties; whereas negligent violation entitles Plaintiff to actual  
24 damages. Costs of action and attorney fees are also recoverable for any  
25 successful action. Plaintiff on behalf of himself and the classes defined below  
26 hereby seeks relief as allowed by law.

## THE PARTIES

19. Individual and representative Plaintiff is, and at all times relevant herein was, a “consumer” as per §1681a (c).

20. Plaintiff, class representative, is an adult individual currently residing in Bergen County, Edgewater, New Jersey.

21. Defendant is and at all times herein mentioned was, a corporation registered to do business in the Pennsylvania with a principal place of business in 370 Reed Road, Suite 101 Broomall, PA 19008.

22. Defendant is a “Consumer Reporting Agency” within the meaning of §1681a(f).

23. The background check report created by Defendant is a “Consumer Report” within the meanings of §1681a(d).

24. Plaintiff is ignorant of the Defendants sued herein as DOES 1-10, inclusive, and therefore sues those Defendants by such capacities when such information is ascertained.

25. Plaintiff is informed and believes and thereon alleges that each of the Doe Defendants is responsible in some manner for the occurrences herein alleged and that Plaintiff’s damages as herein alleged were proximately caused by such occurrences.

26. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, Defendants DOES 1-10, were agents of each other and of the named Defendants and in doing the things alleged in this complaint, were acting in the scope of such agency and with the permission and consent of Defendants.

## JURISDICTION AND VENUE

27. This Court has personal jurisdiction over Defendant because, during the relevant time period, Defendant maintained headquarters in Pennsylvania and was registered to do business in Pennsylvania. Venue is

appropriate because Defendant's registered address and main office is in the Eastern District of Pennsylvania. Additionally, Defendant's conduct occurred in the Eastern District of Pennsylvania.

### CLASS ACTION ALLEGATIONS

28. Plaintiff asserts the claims set forth in **Claims I** on behalf of himself and the **Inaccuracy Class** defined as follows:

All individuals on whom Defendant prepared a consumer report in the two years predating the filing of this Complaint and continuing through the date the class list is prepared, sold a consumer report containing expunged criminal records.

29. Plaintiff asserts the claims set forth in **Claims II** on behalf of himself and the **Obsolescence Class** defined as follows:

All individuals on whom Defendant prepared a consumer report in the two years predating the filing of this Complaint and continuing through the date the class list is prepared, sold a consumer report containing any public record of criminal arrest, charge, conviction or other item of adverse information that antedate the date of the report by more than 7 years.

30. Plaintiff asserts the claims set forth in **Claims III** on behalf of himself and the **Disclosure Class** defined as follows:

All individuals on whom Defendant prepared a consumer report in the two years predating the filing of this Complaint and continuing through the date the class list is prepared to

1           whom, after being requested, Defendant failed to provide the  
2           full file.

3  
4           31. Numerosity: Each class is so numerous that joinder of all class  
5           members is impracticable. Defendant regularly furnishes consumer reports  
6           and impermissibly includes information about consumers containing obsolete  
7           public records. Defendant also furnishes consumer reports containing public  
8           records information which are incomplete and not updated. Defendant also  
9           regularly receives requests from consumers for their full files and regularly  
10          fails to provide to a response.

11          32. Typicality: Plaintiff's claims are typical of the members of the  
12          Classes. Defendant furnishes consumer report and typically includes obsolete  
13          information as well as public records information which is incomplete and  
14          not updated. Defendant also typically fail to provide to consumers, upon  
15          request, any response to their request for their full file. The FCRA violations  
16          suffered by Plaintiff are typical of those suffered by other class members and  
17          Defendants treated Plaintiff consistent with other class members in  
18          accordance with its standard policies and practices.

19          33. Adequacy: Plaintiff will fairly and adequately protect the interests  
20          of the Class and has retained counsel experienced in complex class action  
21          litigation.

22          34. Commonality: Common questions of law and fact exist as to all  
23          members of the Classes and predominate over any questions solely affecting  
24          individual members of the Class, including but not limited to:

25           a. Whether Defendant violated 15 USC §1681e(b) by disclosing  
26           expunged criminal history records.

27           a. Whether Defendant violated 15 USC §1681g(a) by failing to provide  
28           any response to a full file request;

1 b. Whether Defendant violated 15 USC §1681c(a) by disclosing  
2 adverse items of information which antedate the report by more than  
3 seven year

4 b. Whether Defendant's violations of the FCRA were willful;

5 c. The proper measure of statutory damages; and

6 d. The proper measure of punitive damages.

7  
8 35. This case is maintainable as a class action under Fed. R. Civ. P.  
9 23(b)(1) because prosecution of actions by or against individual members of  
10 the Class would result in inconsistent or varying adjudications and create the  
11 risk of incompatible standards of conduct for the Defendant. Further,  
12 adjudication of each individual class member's claim as separate action  
13 would prospectively be dispositive of the interest of other individuals not a  
14 party to such action, impeding their ability to protect their interests.

15 36. Class certification is also appropriate under Fed. R. Civ. P.  
16 23(b)(3) because questions of law and fact common to the Class predominate  
17 over any questions affecting only individual members of the Class, and  
18 because a class action is superior to other available methods for the fair and  
19 efficient adjudication of this litigation. The Defendant's conduct described in  
20 this Class Action Complaint stems from common and uniform policies and  
21 practices, resulting in common violations of the FCRA. Class certification  
22 also will obviate the need for unduly duplicative litigation that might result in  
23 inconsistent judgments concerning the Defendant's practices. Moreover,  
24 management of this action as a class action will not present any likely  
25 difficulties. In the interests of justice and judicial efficiency, it would be  
26 desirable to concentrate the litigation of all class members' claims in a single  
27 forum.  
28

1 37. Plaintiff intends to send notice to all members of the Class to the  
2 extent required by Rule 23. The names and addresses of the class members  
3 are available from Defendant's records.

4 **FIRST CAUSE OF ACTION**

5 **(Violation of 15 USC §1681e(b) against Defendant and Does 1-10)**

6 ***(On behalf of himself and the Inaccuracy Class)***

7 38. Plaintiff hereby incorporates by reference the allegations of each  
8 and every paragraph above.

9 39. Defendant willfully and/or recklessly violated the above  
10 referenced statutory provisions by failing to utilize reasonable procedures to  
11 ensure the maximum possible accuracy of the information.

12 40. Plaintiff further alleges that Defendant's action was willful  
13 and/or reckless as to the erroneous information reported as Defendant  
14 knowingly and/or recklessly disclosed expunged criminal records  
15 information.

16 41. Defendant knew or should have known that its procedure of  
17 furnishing instant background check reports based on database information  
18 foreseeably and will likely result in the disclosure of erroneous criminal  
19 record information such as the disclosure made in this case.

20 42. Defendant's willful and/or reckless violation of the statute  
21 entitles Plaintiff to actual damages, attorney's fees as well as statutory  
22 penalties.

23 43. Alternatively, Plaintiff alleges that Defendant's actions were  
24 negligent as Defendant did not utilize reasonable procedures to ensure that  
25 the reported information was accurate.



**SECOND CAUSE OF ACTION**

**(Violation of 15 USC §1681c(a)(2) and (5) against Defendant and Does 1-10)**

***(On behalf of himself and the Obsolescence Class)***

44. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above.

45. Defendant willfully and/or recklessly violated the above-mentioned statutory provisions by disclosing adverse items of information which antedate the report by more than seven years.

46. Defendant could have readily or easily complied with the FCRA by employing a simple algorithm that prevents the disclosure of adverse items of information that are older than seven years.

47. Defendant being in the industry for more than 25 years knew or should have known that background check companies that disclose adverse items of information older than seven years have been routinely subject to class action lawsuits for this conduct.

48. Nevertheless, Defendant willfully chose to fail to employ cost-effective and simple solutions to prevent the disclosure of such criminal record information resulting in foreseeable violation of the FCRA.

49. Defendant's willful and/or reckless violation of the statute entitles Plaintiff and the Disclosure Class to actual damages, attorney's fees as well as statutory penalties.

**THIRD CAUSE OF ACTION**

**(Violation of 15 USC §1681g(a) against Defendant and Does 1-10)**

***(On behalf of himself and the Disclosure Class)***

50. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above.



- 1 f. For an award of reasonable attorneys' fees provided by law under  
2 all applicable statutes;  
3 g. For the costs of suit;  
4 h. For injunctive relief as applicable; and  
5 j. For such other orders of the Court and further relief as the Court  
6 deems just and proper.

7 **DEMAND FOR JURY TRIAL**

8 Plaintiff and the Classes hereby request and demand a jury trial on all  
9 issues triable by jury.

10 DATED: November 16, 2022

11 /s/ Robert J. Foster

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20 *Pro hac vice application to be filed:*

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